

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NICOLE BROECKER, et al., on behalf of themselves and  
all other similarly situated employees of the New  
York City Department of Education,,  
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Plaintiffs,

- against -

NEW YORK CITY DEPARTMENT OF EDUCATION,  
MEISHA PORTER, et al.,  
-----

Defendants.  
----- X

**DOE DEFENDANTS’  
NOTICE OF MOTION  
TO DISMISS THE  
AMENDED  
COMPLAINT**

No. 21 Civ 6387 (KAM)(LB)

**PLEASE TAKE NOTICE** that upon the accompanying Declaration of Andrea O’Connor in Support of Defendant New York City Department of Education (“DOE”) and Meisha Porter (collectively “DOE Defendants”) Motion to Dismiss the Amended Complaint, dated April 4, 2022, and DOE Defendants’ Memorandum of Law in Support of Their Motion to Dismiss the Amended Complaint, dated April 4, 2022, and all the papers and proceedings previously had herein, the undersigned will move this Court, before the Hon. Kiyo A. Matsumoto, United States District Judge, at the United States Courthouse for the Eastern District of New York, located at 225 Cadman Plaza, Brooklyn, New York, 11201, on a date and time to be determined by the Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, dismissing the Amended Complaint in its’ entirety on the grounds that, as a matter of law, the Complaint fails to adequately state a claim upon which relief can be granted and for further relief as the Court may deem just and proper.

Dated: New York, New York  
April 4, 2022

By: /s/  
Andrea O'Connor  
Assistant Corporation Counsel  
aoconnor@law.nyc.gov

-2-

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***HON. SYLVIA O. HINDS-RADIX***

*Corporation Counsel of the City of New York  
Attorney for DOE Defendants  
100 Church Street, Room 2-100  
New York, N.Y. 10007*

*Of Counsel: Andrea O'Connor  
Tel: (212) 356-4015*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 20.....*

*....., Esq.*

*Attorney for.....*